

FISCAL NOTE

SB 14

January 17, 2007

SUMMARY OF BILL: Broadens the offense distribution of obscene material to include knowingly advertising or promoting the sale, distribution, exhibition or display of legally obscene matter to minors. Creates new offense for a television or cable television company to advertise or promote material that it knows or should know to be obscene or harmful to minors. Violation for the first offense is a Class A misdemeanor and a Class E felony for a second or subsequent offense.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures -\$6,600 / Incarceration*

Assumptions:

- One offender per year will serve 0.3 years (109.58 days served) for a Class E felony conviction for a second or subsequent offense for distribution of obscene material to minors. According to the Department of Correction (DOC), the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.3 years is \$6,592.33 (\$60.16 x 109.58 days).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director